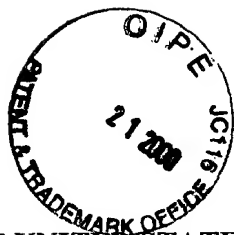


PATENT



ATTORNEY DOCKET NO. CGNE.099.00USRe

#3
attach

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reissue Application of: Shewmaker, *et al.*

Patent No.: 5,753,475

Issued: May 19, 1998

Reissue Serial No.: 09/574,946

Filed: May 19, 2000

For: **METHODS AND COMPOSITIONS FOR
REGULATED TRANSCRIPTION AND
EXPRESSION OF HETEROLOGOUS
GENES**

) Examiner: Not Yet Assigned
) (Examiner David Fox in parent case)
)
) Art Unit: 1649
)
) **REISSUE APPLICATION BY**
) **THE ASSIGNEE, OFFER TO**
) **SURRENDER PATENT**
)
)
)
)
)
)

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is part of the application for reissue of U.S. Patent 5,753,475. Calgene LLC, formerly Calgene, Inc., a Delaware Corporation, is the assignee the entire right, title and interest in the original patent by virtue of an assignment filed in the Patent and Trademark Office on 21 October, 1993, recorded at Reel 6828, Frame 0193, and signed by co-inventors Christine K. Shewmaker, Catherine M. Houck, Vic C. Knauf, Jean C. Kridl and Daniel Facciotti.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846165US
Date of Deposit: December 21, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

Fernando Guerra

I offer to surrender the original patent. A certificate of declaration under 37 CFR § 3.73 (b) is attached.

I am authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon, or any patent to which this declaration is directed.

Name of assignee:

Calgene LLC

Date

Nov 9 2000

Signature

Alissa M Eagle

Typed or printed name

ALISSA M EAGLE

Title

ASST SECRETARY, CALGENE LLC

BRV/JLW

PATENT



ATTORNEY DOCKET NO. CGNE.099.00USRe

3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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) Examiner: Not Yet Assigned
) (Examiner David Fox in parent case)

) Art Unit: 1649

) **ASSIGNEE'S ASSENT TO
REISSUE**

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.172, Calgene LLC, formerly Calgene, Inc., a Delaware corporation, having a principal place of business at 1920 Fifth Street, Davis, CA 95616, and being an Assignee of an undivided interest of 100% of the entire interest of U.S. Patent 5,753,475, by virtue of an Assignment from co-inventors Christine K. Shewmaker, Catherine M. Houck, Vic C. Knauf, Jean C. Kridl and Daniel Facciotti filed on 21 October, 1993 and recorded at Reel 6828, Frame 0193, hereby assents to the filing of the above-referenced application for reissue of USPN 5,753,475.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 745846165 US

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I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

[Signature]
Francis Guerra

006T50" shah.560

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the Assignees and Inventor identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

DECLARATION

I hereby declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Calgene LLC

Dated: Nov 9 2000

By: [Signature]

Name: ARISSA M EAGLE

Title: ASST SECRETARY

BRV/JLW

PATENT

ATTORNEY DOCKET NO. CGNE.099.00USRe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For: **METHODS AND COMPOSITIONS FOR
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EXPRESSION OF HETEROLOGOUS GENES**

) Examiner: Not Yet Assigned
) (Examiner David Fox in parent)

) Art Unit: 1649

) **POWER OF ATTORNEY IN
REISSUE APPLICATION**



BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Calgene LLC, formerly Calgene, Inc., the owner of the entire right, title and interest in the original patent by virtue of an assignment filed in the Patent and Trademark Office on 21 October, 1993, hereby appoints the following attorneys or agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

BARBARA RAE-VENTER, Ph.D., Reg. No. 32,750
BERTRAM I. ROWLAND, Ph.D., Reg. No. 20,015
JENNIFER L. WAHLSTEN, Ph.D., Reg. No. 46,226
ALISSA M. EAGLE, Reg. No. 37,126

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846165 US
Date of Deposit: December 21, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

Francis Guerra

as its attorneys or agents with full rights of substitution and revocation, to prosecute this application for Letters Patents and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to Barbara Rae-Venter, Ph.D., at (650) 328-4400, and address all correspondence to:

Barbara Rae-Venter, Ph.D.
Rae-Venter Law Group, P.C.
P.O. Box 60039
Palo Alto, CA 94306-0039
FAX: (650) 328-4477

The undersigned is authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon, or any patent to which this declaration is directed.

Name of assignee:

Calgene LLC

Nov 9 2000
Date

ALISSA M. EAGLE
Signature

ALISSA M. EAGLE
Typed or printed name

ASST SECRETARY CALGENE LLC
Title

BRV/JLW